

MICHAEL GAINES, SBN 50553  
Attorney At Law  
255 Kansas Street, Suite 340  
San Francisco, California 94103  
Telephone: (415) 565-9600  
FAX: (415) 565-9600

Attorney for Defendant  
CURTIS JOHNSON

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO FACILITY

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CURTIS JOHNSON,

Defendant.

No. 12-0628 RS

STIPULATION AND ~~PROPOSED~~ ORDER  
CONTINUING DATE OF STATUS  
HEARING AND EXCLUDING TIME

STIPULATION

With the agreement of the parties, and with the consent of the defendant, the Court enters this order continuing the date of the status hearing in this case, from March 18, 2014 at 2:30 p.m. to April 15, 2014 at 2:30 p.m., and excludes the period from March 18, 2014 through April 15, 2014 from the otherwise applicable calculation under the Speedy Trial Act.

The parties represent to the Court that counsel have met and conferred for the purposes of viewing physical evidence and plea negotiations. Since our last appearance in this matter, counsel for defendant has been engaged as counsel for one of four defendants in a homicide, special circumstance, preliminary hearing in Contra Costa County. That hearing has taken far longer than

1 anticipated to conclude the taking of evidence. The hearing will conclude on March 14, 2014 with  
2 closing argument and subsequent judicial orders.

3        Though counsel for defendant has had some discussions with defendant concerning the plea  
4 negotiations, further consultation is necessary so the defendant can make a fully informed decision  
5 on whether or not to resolve this case by plea agreement. The failure to grant the requested  
6 continuance would unreasonably deny defense counsel the reasonable time necessary for effective  
7 preparation, taking into account the exercise of due diligence. Defense counsel further represents  
8 that the defendant agrees to the requested exclusion of time under the Speedy Trial Act, 18 U.S.C.  
9 § 3161(h)(7)(B)(iv) to provide the reasonable time necessary for his counsel's effective preparation,  
10 taking into account the exercise of due diligence.

11        Based on the above, the parties jointly request that the Court finds that the ends of justice  
12 served by excluding from the otherwise applicable Speedy Trial Act calculation the period from  
13 March 18, 2014 through and including April 15, 2014 outweigh the best interests of the public and  
14 the defendant in a speedy trial and failure to grant the requested continuance would unreasonably  
15 deny defense counsel the reasonable time necessary for effective preparation, taking into account,  
16 the exercise of due diligence.

17        **IT IS SO STIPULATED.**

18  
19 DATED: 3.13.14

\_\_\_\_\_/s/\_\_\_\_\_  
MICHAEL GAINES  
COUNSEL FOR THE DEFENDANT

20  
21  
22 DATED: 3.13.14

\_\_\_\_\_/s/\_\_\_\_\_  
ANDREW M. SCOBLE  
ASSISTANT U.S. ATTORNEY

~~PROPOSED~~ ORDER EXCLUDING TIME

Based upon the above stipulation, and for good cause, THE COURT FINDS THAT the ends of justice served by granting a continuance from March 18, 2014 through and including April 15, 2014 outweigh the best interests of the public and the defendant in a speedy trial. THE COURT FURTHER FINDS THAT failure to grant the requested continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into the account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

Accordingly, THE COURT ORDERS THAT:

1. The status hearing in this case is continued to April 15, 2014 at 2:30 p.m.
2. The period from March 18, 2014 through and including April 15, 2014 is excluded from the otherwise applicable Speedy Trial Act computation, pursuant to 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: 3/13/14

  
HON. RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE